

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>STEVE KAUFMAN,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>7:06CV5017</b>
	)	
<b>THE WESTERN SUGAR COOPERATIVE, INC.,</b>	)	<b>ORDER</b>
	)	
<b>Defendant.</b>	)	

This matter is before the court on plaintiff's Motion for leave to file an amended complaint [27]. In its response [28], defendant objects to plaintiff removing the allegation in paragraph 14 that while physically in the defendant's plant during June and July 2004, the plaintiff saw job postings for which he was qualified. The defendant wishes to conduct discovery on that issue.

Noting defendant's objection, I find that the plaintiff should be allowed to amend the complaint as requested, as the plaintiff would bear the burden of proving all allegations pled. I do not believe, however, that the proposed amendment would limit the scope of discovery. Under Fed. R. Civ. P. 26(b)(1), the parties to a lawsuit may obtain "discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party." "Relevancy is broadly construed, and a request for discovery should be considered relevant if there is 'any possibility' that the information sought may be relevant to the claim or defense of any party. A request for discovery should be allowed 'unless it is clear that the information sought can have no possible bearing' on the claim or defense of a party." *Moses v. Halstead*, 236 F.R.D. 667, 671 (D. Kan. 2006) (footnotes omitted).

In this case, the plaintiff has asserted claims under the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* (ADA) and the Nebraska Fair Employment Practices Act, Neb. Rev. Stat. 48-1101 *et seq.* (NFEPA). It would appear that discovery concerning the allegation in question would be relevant to the parties' claims or defenses in any event. For this reason,

**IT IS ORDERED** that plaintiff's Motion for leave to file an amended complaint [27] is granted. Plaintiff shall file and serve the amended pleading forthwith. Defendant shall respond within the time allowed by Fed. R. Civ. P. 15(a).

**DATED February 6, 2007.**

**BY THE COURT:**

s/ F.A. Gossett  
United States Magistrate Judge